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In re Application of
FITZPATRICK *et al*
U.S. Application No.: 10/590,785
PCT No.: PCT/JP2005/003135
Int. Filing Date: 25 February 2005
Priority Date: 26 February 2004
Attorney Docket No.: 0760-0357PUS1
For: MEASUREMENT VALUE LOWERING
INHIBITOR FOR IMMUNOASSAY
METHOD AND IMMUNOASSAY
METHOD USING THE SAME

DECISION

This decision is in response to the "Petition Under 37 CFR. 1.182" filed 25 June 2009.

BACKGROUND

On 25 August 2006, applicants filed papers to enter the national stage of a PCT application. The transmittal letter (Form PTO-1390) indicated that the underlying international application was PCT/JP2002/003135. However, the international application was identified as PCT/JP2005/003135 on several other papers submitted.

On 11 June 2009, a communication was mailed stating that a petition under 37 CFR 1.182 was required to correct the application papers.

On 25 June 2009, applicants filed the subject petition.

DISCUSSION

In the petition, applicants state that "due to a clerical error" the international application was misidentified as PCT/JP2002/003135 on the transmittal letter. Applicants state that the correct international application is PCT/JP2005/003135.

Applicants request the Office replace the incorrect Form PTO-1390 submitted 25 August 2006 with a corrected Form PTO-1390 identifying the international application as PCT/JP2005/003135. The subject papers are treated under 37 CFR 1.182. The \$400.00 petition fee has been paid.

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Applicants submitted a copy of the International Search Report for PCT/JP2005/003135 with the initial filing on 25 August 2006. Applicants also provided an executed declaration which records the PCT number as PCT/JP2005/003135. Moreover, the title, names of applicants, priority dates and international filing date on the transmittal letter correspond to PCT/JP2005/003135.

Thus, it is clear that applicants intended to file a national stage application of PCT/JP2005/003135 with the papers submitted on 25 August 2006.

This is sufficient for a grantable petition under 37 CFR 1.182.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The above-captioned application is the national stage of PCT/JP2005/003135.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.



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